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C.R.P(MD) (NPD) Nos.744 to 748 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 18.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE **N.SESHASAYEE**

**C.R.P(MD) (NPD) Nos.744 to 748 of 2020**

**&CMP(MD)Nos.4974, 4977, 4982, 4985,**

**4987 of 2020**

Jeyashree ... Petitioner/Petitioner in CRP(MD)No.744 of 2020

1.M.Jaffar Sulthan Ibrahim ...Petitioner in CRP(MD). 745 of 2020

2. Kareem Stores, Represented

Through its Prop

M.Jaffar Sulthan Ibrahim ...Petitioner in CRP(MD). 746 of 2020

3. Fashions, Represented

Through its Partner

N.Sankar ...Petitioner in CRP(MD). 747 of 2020

4. Duraipandi ...Petitioner in CRP(MD). 748 of 2020

Vs.

1.The Commissioner,  
Tamil Nadu Hindu Religious and Charitable  
Endowment Department,  
Chennai.

2.The Joint Commissioner/Executive Office,  
Arulmigu Meenakshi Sundareswarar Temple,  
Madurai. ... Respondents/Respondents in all CRPs

**PRAYER in CRP(MD)No.744 to 748 of 2020:** The Civil Revision Petition is filed under under Section 115 of the CPC against the order dated 09.03.2020 made in A.P.No.65,66,67,68,85/2018/D2 respectively on the file of the 1<sup>st</sup> respondent under Section 34(A) (3) of Act 22/59.

(In all CRPs)

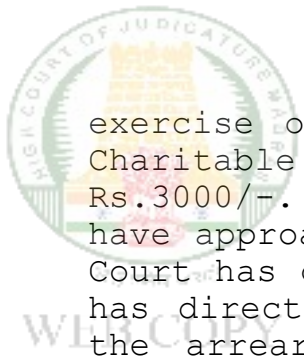
For Petitioner : R.G.Shankar Ganesh  
For Respondent : Mr.K.P.Narayana Kumar  
Special Government Pleader for R1

Mr.V.R.Shanmuganathan for R2

### **ORDER**

The revision petitioners herein are tenants of the shops that belong to Arulmigu Meenakshi Sundareswarar Temple, Madurai.

2.The revision petitioners are the lessees of several shops that belong to Meenakshi Amman Temple. The fair rent committee, in



exercise of its power under Section 34(A) of Hindu Religious and Charitable Endowments Act, has revised the rent from Rs.2000/- to Rs.3000/-. Aggrieved by the said order, the revision petitioners have approached this Court in a batch of writ petitions, where this Court has directed them to pay 50% of the enhanced rent. This Court has directed the writ petitioners on 24.07.2018 to deposit 50% of the arrears of rent based on the rent fixed by the fair rent committee and to approach the Commissioner, Hindu Religious and Charitable Endowments Department, the appellate authority constituted for the purpose. Complying with the order, the revision petitioners approached Commissioner, Hindu Religious and Charitable Endowments Department. He by a common order has disposed of all the matters and the order hardly runs to 4 or 5 lines.

3. The learned counsel for the revision petitioners raised three broad grounds:

- The orders of the appellate authority which are now challenged in these revision petitions are literally non-speaking orders;
- In their grounds of appeal, few of the revision petitioners have raised the contention that they have separated the height of the building leased to them by a false-ceiling and the height of the ceiling is about 20 feet. The fair rent committee has considered this as a double storied structure. This aspect has not been considered by the appellate authority at all. In this connection, in a specific case the terrace in the second floor only has an extent of 225 sq feet, whereas, the fair rent committee has taken it as 838 sq feet and the same was challenged in the appeal preferred by the revision petitioners in C.M.A.No.747 of 2020 but there is no specific and pointed discussion on it.
- In fixing the fair rent, the fair rent committee has not indicated any document that they have relied on to indicate the prevailing market rent for adjacent areas.

4.The learned counsel for the respondents submitted that the revision petitioners/tenants can maintain a revision petition only on they depositing the entire rent as fixed or refixed by the fair rent committee or the Appellate Authority as the case may be. So far as the present revision petitioners are concerned, they have deposited only 50% of the arrears of rent in terms of the order passed in a batch of writ petitions. If proviso to Section 34(a) (5) has not been applied, in *stricto sensu*, these revisions ought not to have been taken on file in the first place. Now, having spent time on it, this Court directs the revision petitioners to deposit the entire arrears of rent on or before 29.01.2021, failing which all the Civil Revision Petitions will be dismissed as not maintainable.

5.The Civil Revision Petitions are disposed of accordingly. No



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costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

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/ /2021

Sub Assistant Registrar(CS)

Tsg-2

To

1.The Commissioner,  
Tamil Nadu Hindu Religious and Charitable  
Endowment Department,  
Chennai.

2.The Joint Commissioner/Executive Office,  
Arulmigu Meenakshi Sundareswarar Temple,  
Madurai.

**C.R.P(MD) (NPD) Nos.744 to 748 of 2020**

**18.12.2020**

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KMV (CO)

KK(20.01.2021) 3P 3C